

## **DISCLAIMER**

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## **COMMONWEALTH OF VIRGINIA**

**At the relation of the**

**STATE CORPORATION COMMISSION**

**CASE NO. PUE980813**

**Ex Parte: In the matter of considering an  
electricity retail access pilot program –  
Virginia Electric and Power Company**

### **HEARING EXAMINER'S RULING**

**April 28, 1999**

On April 27, 1999, Virginia Electric and Power Company (“Virginia Power” or “Company”), by counsel, filed a motion in which it requested leave (i) to supplement its prefiled testimony and exhibits in this proceeding and (ii) to withdraw Section XI – “Unresolved Issues Requiring Legislative Guidance” of its report dated November 2, 1998, to the Commission regarding the Company’s retail access pilot program (“Report”). Virginia Power explains that the additional supplemental direct testimony and exhibits it now seeks to file address the impact of legislation adopted this year by the General Assembly.<sup>1</sup> In addition, because the Company believes that passage of this legislation satisfactorily resolves the issues identified in Section XI of its Report, that section is no longer pertinent to this proceeding. Thus, Virginia Power moves for the acceptance of its additional supplemental testimony and leave to withdraw Section XI of its Report and any related testimony.

In its motion, the Company states that its new supplemental testimony “contains significant new proposals relating to Virginia Power’s retail access pilot program . . . .”<sup>2</sup> Consequently, Virginia Power recognizes changes to the procedural schedule may be required. In this regard, Virginia Power suggests: (i) extending the date for the filing of protests and Protestants’ direct testimony from May 10 to May 28, 1999; (ii) extending the date for the filing of Staff’s testimony from June 11 to June 15, 1999; (iii) extending the date for the filing of the Company’s rebuttal from June 18 to June 21, 1999; and (iv) retaining the current hearing date of June 29, 1999.

After considering the Company’s motion, I find that Virginia Power should be permitted to supplement its prefiled supplemental direct testimony and exhibits in this proceeding with the additional supplemental direct testimony and exhibits of David F. Koogler and Andrew J. Evans filed on April 27, 1999. In addition, I find that leave should be granted to Virginia Power to withdraw Section XI of its Report and any related testimony and exhibits, including the overview of Section XI on pages 6 and 7 of the Report’s Executive Summary and the supplemental direct

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<sup>1</sup> Legislation addressed by Virginia Power includes Senate Bill 1269, the Virginia Electric Utility Restructuring Act, and Senate Bill 1286, which contains new provisions relating to electric utility taxation.

<sup>2</sup> Motion of Virginia Electric and Power Company, Case No. PUE980813, April 27, 1999, at ¶ 6.

testimony of E. Paul Hilton filed on January 12, 1999. Finally, parties should be given an opportunity to propose changes to the current procedural schedule. Parties requiring dates different from those proposed by Virginia Power should file comments and alternative dates by Wednesday, May 5, 1999. Accordingly,

**IT IS DIRECTED:**

(1) That Virginia Power be permitted to supplement its prefiled supplemental direct testimony and exhibits in this proceeding with the additional supplemental direct testimony and exhibits of David F. Koogler and Andrew J. Evans filed on April 27, 1999;

(2) That the additional supplemental direct testimony and exhibits of David F. Koogler and Andrew J. Evans filed with the Commission on April 27, 1999, be accepted for filing in this proceeding;

(3) That Virginia Power be permitted to withdraw Section XI of its Report and any related testimony and exhibits, including the overview of Section XI on pages 6 and 7 of the Report's Executive Summary and the supplemental direct testimony of E. Paul Hilton filed on January 12, 1999; and

(4) That, on or before May 5, 1999, the parties or Staff may file with the Commission any requests for changes in the procedural schedule related to the Company's filing of additional supplemental testimony and withdrawal of Section XI of its Report.

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Alexander F. Skirpan, Jr.  
Hearing Examiner